

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	CRIMINAL NO. _____
	:	
	:	DATE FILED: _____
v.	:	
	:	VIOLATION: 18 U.S.C. Sections
	:	1341, 1346
	:	(Mail Fraud - 3 counts)
DAVID WEISSMAN	:	18 U.S.C. Section 2
a/k/a "Dave Clark"	:	(Aiding and Abetting)

I N F O R M A T I O N

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES:

At all times relevant to this Information:

1. Empire Chemical & Lighting Incorporated ("Empire") was a sales organization which sold light bulbs, trash bag liners, and other industrial products on the telephone, a practice commonly known as telemarketing. Empire was incorporated in Pennsylvania on October 20, 1995.

2. Tower Industrial Supply Corporation ("Tower") was a sales organization which sold light bulbs, trash bag liners and other industrial chemical products on the telephone, a practice commonly known as telemarketing. Tower,

which was incorporated in Pennsylvania on August 4, 1997, was a successor corporation to Empire.

3. Empire and Tower used several business addresses which included: (a) 4313 Knights Road, Bensalem, PA 19020; (b) Post Office Box 178, Cornwells Heights, PA 19020; and (c) 3455 Progress Drive, Suite 116, Post Office Box 97, Bensalem, PA 19120.

4. Defendant DAVID WEISSMAN, a/k/a “Dave Scott” was employed by Empire and Tower as a salesman.

### THE SCHEME

5. From at least in or about 1996 and continuing up to in or about June 1998, in the Eastern District of Pennsylvania and elsewhere, defendant

DAVID WEISSMAN  
a/k/a “Dave Clark”

devised and intended to devise a scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises and to deprive various companies throughout the United States of the right to the honest services of their employees.

### MANNER AND MEANS

It was part of the scheme and artifice that:

6. Defendant DAVID WEISSMAN contacted potential victims (hereinafter referred to as “victim companies”) by making unsolicited telephone calls to the victim company’s purchasing managers or maintenance superintendents.

7. Defendant DAVID WEISSMAN falsely represented the existence of a past relationship with the victim company or stated that Tower/Empire was running a special promotion, and that as part of the promotional campaign, he was calling customers to update his sales list.

8. Defendant DAVID WEISSMAN sent gift certificates and money orders to the maintenance superintendent’s or purchasing manager’s personal residence for the purpose of determining whether the superintendent or manager would accept the certificate or money order.

9. Defendant DAVID WEISSMAN attempted to convince the maintenance superintendents and purchasing managers, to whom he had sent gift certificates and money orders, to accept a small shipment of goods without mentioning the purchase price.

10. Defendant DAVID WEISSMAN shipped light bulbs and other industrial supplies, followed by the mailing of an inflated invoice for these light bulbs and industrial supplies, to the victim companies’ accounts payable department. Inflated invoices were often subdivided into several smaller invoices in

an attempt to prevent scrutiny of the total price of the merchandise sold to the victim companies.

11. Defendant DAVID WEISSMAN, in addition to shipping light bulbs and other industrial supplies which had been ordered by victim companies, also shipped products to victim companies which had not been ordered accompanied by an inflated invoice.

12. Defendant DAVID WEISSMAN sent gifts and money orders to the victim companies' maintenance superintendents and purchasing managers valued at between 5% and 10% of the invoiced price for goods sold to the victim companies. These payments were made in exchange for the maintenance superintendents and purchasing managers ordering goods and approving inflated invoices thereby depriving their employers of their honest services as employees.

13. Defendant DAVID WEISSMAN fraudulently billed victim companies approximately \$544,023.87 during the years 1996 through 1998.

14. On or about February 12, 1998, for the purpose of executing the  
aforementioned scheme and artifice and attempting to do so, in the Eastern District  
of Pennsylvania and elsewhere, defendant

DAVID WEISSMAN  
a/k/a "Dave Clark"

placed in an authorized depository for mail matter an envelope addressed to the  
Paralyzed Veterans of America, 801 18<sup>th</sup> Street, N.W., Washington, D.C. 20006  
containing a Tower Industrial Supply Corporation invoice, numbers T4011152,  
requesting payment for merchandise described by part number in the amount of  
\$1,588.94 to be sent and delivered by the Postal Service.

In violation of 18 United States Code, Sections 1341 and 2.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES:

1. Paragraph 1 through 13 of Count One are incorporated by reference here.

2. On or about February 12, 1998, for the purpose of executing the aforementioned scheme and artifice and attempted to do so, in the Eastern District of Pennsylvania and elsewhere, defendant

DAVID WEISSMAN  
a/k/a "Dave Clark"

placed in an authorized depository for mail matter an envelope addressed to the Paralyzed Veterans of America, 801 18<sup>th</sup> Street, N.W., Washington, D.C. 20006 containing a Tower Industrial Supply Corporation invoice, number T0401153, requesting payment for merchandise described by part number in the amount of \$1,588.64 to be sent and delivered by the Postal Service.

In violation of 18 United States Code, Sections 1341 and 2.

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES:

1. Paragraph 1 through 13 of Count One are incorporated by reference here.

2. On or about March 13, 1998, for the purpose of executing the aforementioned scheme and artifice and attempted to do so, in the Eastern District of Pennsylvania and elsewhere, defendant

DAVID WEISSMAN  
a/k/a "Dave Clark"

placed in an authorized depository for mail matter an envelope addressed to Paralyzed Veterans of America, 801 18<sup>th</sup> Street, N.W., Washington, D.C. 20006 containing a Tower Industrial Supply Corporation invoice, number T0401301, requesting payment for merchandise described by part number in the amount of \$1,677.90 to be sent and delivered by the Postal Service.

In violation of 18 United States Code, Sections 1341 and 2.

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PATRICK L. MEEHAN  
United States Attorney

